

FILED
JANUARY 31, 2008
 MICHAEL W. DOBBINS
 CLERK, U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION**

08 C 676

RICK ALLEN,)	Case No.
)	
Plaintiff,)	Judge
)	
v.)	Magistrate Judge
)	
INV. K. ELLIS #248, INV. SMITH #371,)	
and INV. JONES #454, individually,)	Jury Demand
)	
Defendants.)	

**JUDGE KENDALL
 MAGISTRATE JUDGE COX**

COMPLAINT

NOW COMES the Plaintiff, RICK ALLEN, by and through his attorneys, GREGORY E. KULIS AND ASSOCIATES, and complaining against the Defendants, INV. K. ELLIS #248, INV. SMITH #371, and INV. JONES #454, individually, as follows.

COUNT I-FALSE ARREST

1) This action is brought pursuant to the Laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress deprivations of the Civil Rights of the Plaintiff and accomplished by acts and/or omissions of the Defendants committed under color of law.

2) Jurisdiction is based on Title 28 U.S.C. §1343 and §1331.

3) The Plaintiff, RICK ALLEN, at all relevant times was a United States citizen and permanent resident of the State of Illinois.

4) The Defendants, INV. K. ELLIS #248, INV. SMITH #371, and INV. JONES #454, were at all relevant times duly appointed police officers of the Cook County Sheriff's

Department and at all relevant times were acting within their scope of employment and under color of law.

- 5) On or about April 3, 2007, the Plaintiff was driving his car in the vicinity of Chicago Road and the Rt. 1 cut off.
- 6) The Plaintiff was not committing a crime or breaking any laws.
- 7) The Defendants were in an unmarked car and quickly beeped their siren.
- 8) The Plaintiff did not know these individuals were law enforcement officers.
- 9) The Plaintiff got out of his car and asked what they wanted.
- 10) The Defendants exited their vehicle, grabbed the plaintiff, choked him, threw him to the ground and intentionally injured his arm.
- 11) The Defendants arrested the Plaintiff and charged him with not wearing a seatbelt and obstruction.
- 12) The Plaintiff did not commit any crime.
- 13) The Defendants then searched and tore up the Plaintiff's car.
- 14) The Defendants did not have probable cause to stop and search the Plaintiff.
- 15) The Defendants did not have probable cause to arrest the Plaintiff.
- 16) The Defendants did not have probable cause to charge the Plaintiff.
- 17) Said action of Defendants INV. K. ELLIS #248, INV. SMITH #371, and INV. JONES #454, were intentional, willful, and wanton.
- 18) Said actions of the Defendants, INV. K. ELLIS #248, INV. SMITH #371, and INV. JONES #454, violated the Plaintiff's Fourth Amendment Rights and were in violation of said rights protected by 42 U.S.C. §1983.

19) As a direct and proximate consequence of said conduct of Defendants, INV. K. ELLIS #248, INV. SMITH #371, and INV. JONES #454, the Plaintiff, RICK ALLEN, suffered violations of his constitutional rights, monetary expense, monetary loss, fear, emotional distress, pain and suffering.

WHEREFORE, the Plaintiff, RICK ALLEN, prays for judgment against the Defendants, INV. K. ELLIS #248, INV. SMITH #371, and INV. JONES #454, jointly and severally, in an amount in excess of TWENTY FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS compensatory damages and TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS punitive damages, plus attorney's fees and costs.

COUNT II- EXCESSIVE FORCE

1-10)The Plaintiff hereby realleges and incorporates his allegations of paragraphs 1-10 as his respective allegations of paragraphs 1-10 of Count II as though fully set forth herein.

11) Said use of force was unprovoked.

12) Said use of force was excessive and unreasonable.

13) As a result of the force used by the Defendants, the Plaintiff RICK ALLEN was injured.

14) Said actions of Defendant Inv. K. Ellis #248, Inv. Smith #371, and Inv. Jones #454 were intentional, willful and wanton.

15) Said actions of the Defendants, INV. K. ELLIS #248, INV. SMITH #371, and INV. JONES #454, violated the Plaintiff's Fourth Amendment Rights and were in violation of said rights protected by 42 U.S.C. §1983.

16) As a direct and proximate consequence of said conduct of Defendants INV. K. ELLIS #248, INV. SMITH #371, and INV. JONES #454, the Plaintiff, RICK ALLEN, suffered violations of his constitutional rights, monetary expense, monetary loss, fear, emotional distress, pain and suffering.

WHEREFORE, the Plaintiff, RICK ALLEN, prays for judgment against the Defendants, INV. K. ELLIS #248, INV. SMITH #371, and INV. JONES #454, jointly and severally, in an amount in excess of TWENTY FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS compensatory damages and TEN THOUSAND AND 00/100 (\$10,000.00) DOLLARS punitive damages, plus attorney's fees and costs.

JURY DEMAND

The Plaintiff, RICK ALLEN, requests a trial by jury.

Respectfully submitted,

/s/ Gregory E. Kulis
GREGORY E. KULIS AND ASSOCIATES

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